

Entered - 5-19-00- sb  
CL 00L0293- GWENDOLYN BURNS

CLAIM OF: **DESIREE C. SIAS**  
2257 Barge Road  
Atlanta, Georgia 30331

For damages alleged to have been sustained  
as a result of a property damage incident on  
April 22, 2000 on 2257 Barge Road.

THIS ADVERSED REPORT IS  
APPROVED

BY: *Robert N. Godfrey*  
ROBERT N. GODFREY  
DEPUTY CITY ATTORNEY

**ADVERSE REPORT**  
COM. *Public Safety*  
DATE *6/27/00*  
CHM. *C. T. Martin*  
*BY LMD*

*Wendolyn Burns*  
*Desiree C. Sias*

**CERTIFIED**  
JUL 5 2000  
*Approved by Clerk*  
*Robert N. Godfrey*

ADVERSED BY  
CITY COUNCIL JUL 05 2000

**CERTIFIED**  
JUL 05 2000  
*Robert N. Godfrey*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

July 18, 2000

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Desiree C. Sias  
2257 Barge Road  
Atlanta, GA 30331

**00-R-0935**

Dear Ms. Sias:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on July 05, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 00L0293

Date: June 14, 2000

Claimant /Victim DESIREE C. SIAS  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2257 Barge Road, Atlanta, Georgia 30331  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 2,284.69 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 5/12/00 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 4/22/00 Place: 2257 Barge Road  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant alleges she sustained damages to her home from a sewer back up. However, an investigation determined that the City did not have prior notice of any problems at this location prior to the April 22, 2000 occurrence. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

**INVESTIGATION:**

Statements: City employee \_\_\_\_\_ Claimant X Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

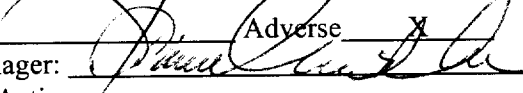
**BASIS OF RECOMMENDATION:**

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date \_\_\_\_\_  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA 12  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date: 5/12/2000

ENTERED - 5-19-00 - SB  
00L0293 - GWEN BURNS

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,284.<sup>69</sup> property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: April 22, 2000 (month/day/year). 2. Time of Incident: 3:00 p.m. 3. Police called: ☒ Yes ☐ No  
Daytime Phone # 404 669-3901
4. Location of incident (including street address): 2257 Barge Road Atlanta, GA 30331
5. Name of your insurance company: State Farm Insurance Policy No. \_\_\_\_\_
6. State what and how incident occurred: The sewer line was stopped up at the street. City workers came out and tried to unstop it by pumping water into the line. They used the clean out nearest the house. The raw sewage was pumped into the house covering the bathroom and kitchen. Sewage went under vinyl floor covering, base cabinets, bookshelf, stove & refrigerator
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Desiree C. Sias  
Signature of Claimant

Desiree C. Sias  
(Print Claimant's Name)

2257 Barge Road  
(Address)

Atlanta, GA 30331  
(City, State and Zip Code)

(404) 669-3901 (404) 344-3733  
(Work Number) (Home Number)

00- -0935

\* City workers removed the visible accessible waste. However, that UNDER THE kitchen cabinets and UNDER vinyl floor covering has start to smell again. The warmer it gets the more UNBEARABLE the situation becomes.

RCS# 2057  
7/05/00  
1:38 PM

Atlanta City Council

Regular Session

\*\*\_\*\_\*\*\*\*

Consent Agenda pgs. 1-13

Adopt

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	B Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-0982  
00-O-0996  
00-R-0954  
00-R-0981  
00-R-0999

\*\*\_\*\_\*\*\*\*

07/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> <li>1. 00-O-0882</li> <li>2. 00-O-0815</li> <li>3. 00-O-0986</li> <li>4. 00-O-0987</li> <li>5. 00-O-0988</li> <li>6. 00-O-1002</li> <li>7. 00-O-0574</li> <li>8. 00-O-0972</li> <li>9. 00-O-0818</li> <li>10. 00-R-0990</li> <li>11. 00-R-0992</li> <li>12. 00-R-0993</li> <li>13. 00-R-0885</li> <li>14. 00-R-0884</li> <li>15. 00-R-0883</li> <li>16. 00-R-0880</li> <li>17. 00-R-0814</li> <li>18. 00-R-0957</li> <li>19. 00-R-0961</li> <li>20. 00-R-0998</li> <li>21. 00-R-0887</li> <li>22. 00-R-0888</li> <li>23. 00-R-0889</li> <li>24. 00-R-0997</li> <li>25. 00-R-0892</li> <li>26. 00-R-0955</li> <li>27. 00-R-0984</li> <li>28. 00-R-1000</li> <li>29. 00-R-0908</li> <li>30. 00-R-0909</li> <li>31. 00-R-0910</li> <li>32. 00-R-0911</li> <li>33. 00-R-0912</li> <li>34. 00-R-0913</li> <li>35. 00-R-0944</li> <li>36. 00-R-0945</li> <li>37. 00-R-0946</li> </ol>	<ol style="list-style-type: none"> <li>38. 00-R-0914</li> <li>39. 00-R-0915</li> <li>40. 00-R-0916</li> <li>41. 00-R-0917</li> <li>42. 00-R-0918</li> <li>43. 00-R-0919</li> <li>44. 00-R-0920</li> <li>45. 00-R-0921</li> <li>46. 00-R-0922</li> <li>47. 00-R-0923</li> <li>48. 00-R-0924</li> <li>49. 00-R-0925</li> <li>50. 00-R-0926</li> <li>51. 00-R-0927</li> <li>52. 00-R-0928</li> <li>53. 00-R-0929</li> <li>54. 00-R-0930</li> <li>55. 00-R-0931</li> <li>56. 00-R-0932</li> <li>57. 00-R-0933</li> <li>58. 00-R-0934</li> <li>59. 00-R-0935</li> <li>60. 00-R-0936</li> <li>61. 00-R-0937</li> <li>62. 00-R-0938</li> <li>63. 00-R-0939</li> <li>64. 00-R-0940</li> <li>65. 00-R-0941</li> <li>66. 00-R-0942</li> <li>67. 00-R-0943</li> <li>68. 00-R-0947</li> <li>69. 00-R-0948</li> <li>70. 00-R-0949</li> <li>71. 00-R-0950</li> <li>72. 00-R-0951</li> </ol>